593 not considered bad for a man to beat his wife." In the case
593 of ill-treatment by the husband, her father may take the
*613 matter to the corporate head. Traditionally, the corporate
[792] head would order the husband to move his tent next to the
tend of the "holy man" or some other third party, so that
he would be dissuaded against such behavior. Another reason
[586] for this is so that the girl might have witnesses to support
her petition for divorce should the husband continue to beat
her. I heard of no wife-beating while I was in al-Qasr.

595 The Quran states that a man may lawfully take four
•[779] wives, but that if he feels he cannot treat each of them
equally, he should take only one (Sura IV:3 and 129). The
Bedouins are conscientious in practicing this rule, though
595 perhaps not for religious reasons. If a man has more than
593 one wife, he must spend an equal amount of time with each.
Conflict between co-wives is lessened by the fact that a man
will have separate tents, or rooms in the case of a house,
for each wife. A man will not buy a dress or a piece of jewelry
for one wife without buying a copy of it for all other wives.
595 On a trip to the Siwa Oasis, I was accompanied by a man who
593 had three wives and wished to bring them a gift of basketry
114 upon his return. He was successful in buying two baskets
which were similar but could not find a comparable third in
[431] the oasis market. In dismay, he made a gift of the baskets
to me and returned with no souvenirs at all. One of my in-

554 One 'aqila claimed that the rajal khair is a person
627 who shares in his own authority and presides when he is
*613 away, but he separated the "rights" of the two roles. The
*[779] 'aqila is able to force two parties in conflict to read the
[578] Fatiha, the first sura of the Quran, in order to terminate
the problem; this is beyond the rights of the rajal khair whose
influence is not directly supported by sacred sanctions. But
[784] the role of rajal khair does have its "sacred" aspects, for
all Bedouins know that "you should never harm a rajal khair
or God will punish you for this." I never heard this same
thing said about the 'aqila.

554 Historically, it was perhaps the case that the rajal
627 khair was the person of high status who represented the authority
*613 of an absent 'aqila. The role never became institutionalized
182 but functioned as a support and substitute role in a structure
dominated by that of the 'aqila. In a segmentary society
627 where the various structures exist in opposition to one
628 another, it is important that an institution, such as a third
182 non-partisan element, exists to facilitate communication
578 between parties for the purposes of conflict regulation.
Besides the rajal khair, an example of this would be the
traditional case of the wife from an outside tribe who alone
was permitted freedom of passage between the two warring
parties. Her purpose, it was assumed, was that of peace-making.

554 792 627 Suppose the donkey of A (a man present at the interview) gets into the barley of B (another man present). This is actually a serious matter since it could conceivably lead to a big fight between A's 'aiela and B's 'aiela. First, I separate them and make each go to his home. Then I get A's three brothers (his father is dead), we take a dhabiiha (lamb) and go to B's place and all eat together. • [779] After the meal, we read the Fatiha (opening sura of the Quran) together to show that all is forgiven. After the Fatiha has been read no trouble will start because this is done in the presence of the Jaraira.

[784] He explained that reading the Fatiha in bad faith would bring the same curse from God that a bad oath would bring. He also * [613] claimed that only he and the 'aqila have the authority to command men to read the Fatiha.

554 792 627 671 'Amm Salih says that he uses the 'awaiyid as a guide in solving problems, and that it is necessary because "quarrels spread like fire, it is like fire; they spread to killing and war." He was the only person in al-Qasr who

554 792 627 671 709 577 [784] tried to conceptualize the difference between the 'awaiyid Awlad 'Ali and the Sharii'a. 'Amm Salih said that it is wrong to lie, according to both the secular and the sacred authority codes: "One who lies exceeds the word of God, and God will punish him for this. No one can know how this punishment will take place, only God will know this . . . Sometimes a car goes off the road and people will say that it is the punishment of God. But you never know because the punishment of God comes in the after-life." I asked him:

554 792 627 577 "If this is so, why may the rajal khair lie in trying to settle quarrels?" He replied:

554
792
627
[577]

Lying is bad (haram), but this is "the lie of a peace-maker" (kadhib musaalih). For instance, if you have a quarrel with Yunis here, then I have words with both of you. I use different words with each of you. I use different words than those which you used in the quarrel--I use good words. This is to bring you two together again. Maybe I see that you are going to kill, or I hear bad words from you; I do not go and tell him what you said.

'Amm Salih said that it is his "duty" to mediate disputes, and that he never hesitates "because God will reward me later." He did not want the quarrels to grow into wars. He also bases his pleas for conciliation upon moral discoure, the method used by the other traditional authorities.[3] 'Amm Salih said that in trying to solve a problem, "I give priority to the elder. I go to the younger man and tell him that he should make peace with the elder because no one cares more for him than his antagonist, and that he really cares more for his antagonist than for any other." The rajal saalih mediates but does not arbitrate: he attempts to redress the balance of good relations but does not impose judgements.

554
792
627
*613
•[779]

This approach to conflict regulation is not that of the 'aqila in his formal role, but it is similar to what the rajal khair would use. The main procedural difference between the two informal roles (i.e. rajal khair and rajal saalih) is that, in each case, the rajal saalih reads the Fatiha with

[114]

[3] The approach which I used in my interviews with 'Amm Salih derives from the work of John Ladd as presented in his book, The Structure of a Moral Code, 1957.

554 792 627 *613 •779 the disputants. As noted, the rajal saalih shares this right with the 'aqila. The rajal khair does not have recourse to this mechanism which amounts to divine approval of the binding decision of the "third party." 'Amm Salih in his discussion of the Bedouin moral code corroborated this point: "Any 'aqila can read the Fatiha. In this way, he and the two parties involved terminate the quarrel. This is a way to show that all agree on the settlement. Originally, only the rajal saalih did this, but now the 'awaaqil do it in all cases." It would be interesting to know if in Cyrenaica both roles perform this function or if it belongs only to the role of rajal salih.

554 184 627 792 *613 I cannot generalize concerning this role for the whole of the Western Desert. Sayyid al-Sanusi and 'Amm Salih seem to be special men. On the other hand, the 'aqila and the rajal khair are roles which we would expect to find all over the desert, and in Libya also. The 'aqila is the focus of institutionalized traditional authority structure, and the rajal khair and "status group" represent the power structure.

554 121 This attempt to differentiate between authority and power is essentially one which deals with the more general problem of leadership. Any study of the structure of authority must have reference to the notion of leadership. Role analysis seems the best method of dealing with leaders and their functions. Role analysis together with the conceptualization of institution as a process is an adequate way of dealing with the tendency

628 683 613 the area. He caught him and slapped him and ordered him not to do it again. After a short while the boy returned with his two older brothers who protested Sheikh Mughaieb's hitting their younger brother. The argument developed into a fight during which the two brothers hit Mughaieb with a heavy stick over his head making him unconscious.

The Mi'ad was held two weeks after the incident. When I arrived at Sheikh Mughaieb's house, the meeting was being held in the guest room in the back of the house. Present at the meeting were Sheikh Mughaieb, his father, two distant relatives of Mughaieb who were visiting the area at the time; Sheikh Mutair, the Aqila of the powerful bait of Mutair located some twenty miles east of Mughaieb; the two assailants, their father who at the same time was the Aqila of their bait, and two neighbors of Sheikh Mughaieb.

[576] For the first half Hour or so nothing was said. People were sitting silently except for occasional greetings of "how are you?" and the response of "thank God for everything". Tea was served frequently. Then [779] Sheikh Mutair addressed the gathering and read the "fatha" or the beginning passage of the Qoraan (which appeals to God to show his right ways to the believers and to guide them to wisdom). He then said, "In the blessed presnece of all these honorable guests and with the help of God and his prophet we will clear the hearts of those concerned of the grudges caused by the shameful and unfortunate incident in which the devil has played a major role." Then Sheikh Karim, the Aqila of the bait to which the accused belonged, continued the speech saying that this shameful thing should never have happened and that his sons must [867] have been possessed by the devil to have done it. After all, they have been brought up to respect their elders and especially Sheikh Mughaieb, who was like a second father to him.

156 [685] [439] equipment from the government projects and from smuggling sheep and merchandise across the Libyan border. Although some of these stories might be exaggerated, they all point to the fact that Hakim, despite his wealth, is not the most popular or reputable individual in bait Asabei', and that although Shei'eb is not a popular individual either, he definitely comes up the winner in any popularity contest between the two. The question is 156 613 558 682 683 why Hakim was selected by the Awaqil to replace Shei'eb. The case involved more than Shei'eb's inability to collect the money from members of his bait. Shei'eb's ineffectiveness seemed to have been taken as an excuse rather than as the direct cause. Many Aqaqil, before Shei'eb, had failed in collecting money from their own bait without being subject to direct challenge. What seems to be involved is more than a challenge to a particular member, Shei'eb. It is a challenge to the whole principle by which Shei'eb acquired his position as Aqila of bait Asabei': patrilineal succession.

156 159 613 463 683 554 [428] [779] Shei'eb is the youngest of four sons of the former Aqila of bait Asabei', Sheikh Elewa. For more than fifty years Sheikh Elewa was the undisputed Aqila of bait Asabei'. He also had considerable influence among other tribal segments throughout the whole of the Western Desert by virtue of his position as "nazzar", that is, the expert who assesses the amount of compensation for wound inflicted in a liable case. The position of nazzar is a hereditary one and had been handed down from father to son. The basis for his assessment of wounds are a number of old books believed to be obtained from Mecca and contain all the judgments of famous Islamic leaders in their assessments of wounds.

[428] Eleven years ago when Sheikh Elewa became blind and too old to

156 exercise his functions, he invited all the important people in the area
159 into a large gathering during which he announced that he was handing the
613 sacred books to Shei'eb, who was to become the nazzar and also to succeed
463 him as the Aqila of bait Asabei'. Although at that time Shei'eb was
683 fairly young, twenty-six, nobody questioned Sheikh Elewa's decision.
554 "He is the Aqila," said one informant, "and he has the right to decide
428 which of his sons is to succeed him. After all, he knows his sons better
[379] than anybody else and knows which one is best for the job." Most people
156 thought that Sheikh Elewa, being still alive and with clear thinking,
159 would help Shei'eb in performing his duties as Aqila. A few months after
613 Shei'eb took over his father's position, it became apparent that he was
554 too immature for the job. He tried to use his position to take money
578 from members of his bait and when they refused to give him any money, he
[661] entered into fights with a number of them. Rumors spread that he took bribes from the disputing parties who came to him for him to assess the legal compensation for wounds to raise or lower his estimate. But still people within bait Asabei' as well as outside it respected Sheikh Elewa's decision and did not challenge Shei'eb openly. But as time passed the dissatisfaction with Shei'eb grew. This dissatisfaction came mainly from members of the Amar who were affected directly by Shei'eb's actions, especially those actions which resulted in the payment of compensation for wounds inflicted in fights.

PHASE II

439 On the evening of May 16, 1966, two members of the Geneishat tribe of Matruh area came to Burg-el-Arab with a large shipment of smuggled cigarettes to leave with their partner in the area, Hadi, from the

593 cooperation between the wives in household activities difficult. The
595 wives have to have reasonable grounds for their objection to the new
584 bride. But even then, the husband could still marry the woman of his
[431] choice, although in this case he has to bring gifts to the other wives as "nasafa," or making-up present.

584 If the family has no objections to the marriage, the proceedings
593 start. The initial proceedings are undertaken by the women on both sides. The groom's mother or a female relative of his mother's generation or older visits the mother of the prospective bride and tells her of her son's intention to marry the latter's daughter. The bride's mother then discusses the matter with the girl's father who has the
[429] final say in the matter. If the father is dead, then the authority on giving the girl in marriage goes to her brother or closest male kin in the order specified before. The girl has no say in the matter of marriage and cannot refuse to complete the marriage, although after marriage she can resort to a certain practice which helps her to terminate the marriage without the consent of her guardian, as will be seen later in
584 the chapter. From this moment until the conclusion of the marriage
[583] negotiations are done by the men of both families. The first thing to be discussed is the amount of bridewealth, a "mahr." If the two families agree on the marriage, a small ceremony is held. This ceremony is called
[779] "el-fatha" in reference to reading the first "sura" of the Koraan known as el-fatha, or "the beginning." The ceremony includes members of the
[675] two families and very few friends. After the fatha is read, the agreement is achieved. This is considered as an engagement and means that the girl is spoken for and therefore no other man can ask to marry her.

To break the fatha agreement, the father of the prospective bride

582 time of the study. I have no information about the marital history of
[114] the men included in the genealogies. This is particularly important if
[586] we realize that the frequency of divorce in the area is quite high and that there is a certain prohibition against ever marrying within a certain degree of relationship of his first wife.

582 According to the Koraan, a man is forbidden to marry certain
• 779 classes of women. Some of these women are permanently prohibited and others are only temporarily so. Marriage is forbidden with what are called the "maharem" (sing. mahram or non-marriageables). They are one's female ascendants and descendants; the former wives of one's ascendants or desendants; one's sister and the female descendants of one's sister and brother; one's paternal and maternal aunts and the sisters and aunts of the ascendants; one's mother-in-law and all female ascendants of one's wife. Marriage with the first cousin and the half-brother's half-sister (from another marriage) is therefore permitted. The second category of
[853] forbidden women are those related to the man by nursing. The wet nurse takes the place of the mother, and her relatives are treated as if she was the actual mother of the person in question.

In addition to the above, there is the prohibition of the simultaneous marriage of two women who are related to each other to the extent that had one of them been male and the other female, they would have come to the forbidden degree in marriage. This latter prohibition is not a permanent one and is restricted to the marriage of the two women at the same time. As soon as the marriage with one of them is dissolved, there is no prohibition on marrying the other one. Yet, although aware of the lecense given by the Islamic law to such marriage,

582 and although they are not considered wrong or sinful, there is a gen-
779 eral feeling of distaste among the tribal population to such marriages. They usually attribute this distaste to the fact that if the marriage with the first sister did not work out, there is no reason to expect the marriage with the second to be successful.* Although this might account, in part, for the low rate of cousin marriage in the group when present wives of the individuals are taken into consideration, yet, the effect of that practice should not be exaggerated. For although that prohibition might curb the marriage with the cousin who is the sister of a previous wife, it does not restrict the marriage with another cousin who is a cousin, rather than a sister of the first wife.

584 During the period that follows and until the marriage is final,
431 the groom is supposed to bring gifts to the bride. These gifts are usually a wide silver bracelet that is used as an engagement ring. Also gifts of clothes and jewelry are quite customary. Such gifts become the private property of the bride and are to be returned only if the engagement is broken for fault on the part of the bride or any member of her family. In such cases, her father has to return all the gifts his daughter has accepted as well as the expenses that the groom's visitations have cost him.

585 The marriage is affected and finalized by the payment of the bride-
583 wealth. In Islamic law the bridewealth is supposed to be paid to the
779 bride herself as a gift and not to her father, which had been a signifi-
431 cant departure from the pre-Islamic practice where two types of bride-wealth were paid: the sadaqa paid to the father of the bride or her

---

587 * This does not apply to cases where the first wife dies. In such cases, it is not objectionable to marry her sister, although the incidences of sororate are rare among the population.

legal guardian and considered a bride price to compensate the father or the legal guardian of the bride. In earlier times the bride received none of the mahr, although she usually got a sadaq or bridal gift for herself. In Islamic Arabia, the mahr and the sadaq became indistinguishable and were given to the woman and took the form of a legal gift for affecting the marriage. The Koraan no longer contains the concept of the purchase of the wife, and the mahr becomes a compensation which the woman has to claim in all cases. The Koraan demands a bridal gift for a legal marriage: "And give them whom ye have enjoyed their reward as a wedding gift" (Sura, iv. 24), and again, "And give the women their dowries voluntarily" (Sura, iv. 3). According to the Koraan, the mahr remains the property of the wife and remains her own even if the marriage is dissolved by divorce. But although it took the form of a gift, the mahr remained in Islamic law a prerequisite for the legalization of the marriage. It is only upon the giving of the mahr that the marriage is considered valid. No marriage is legal, according to the Islamic law, unless that transfer of the mahr is affected. Mutual consent of the two parties to forfeit the mahr does not change that rule, and the marriage is considered void. According to Muslim jurisprudence, marriage is a contract ('acd) made betweeen the bridegroom and the bride or her wali or guardian. An essential element in that contract is the mahr. The jurists themselves are not sure about the nature of the mahr. Some regard it as practically a purchase money or as an equivalent ('iwad) for the possession of the woman and the rights over her, so it is like a price paid in a contract of sale; while other jurists see in the mahr a legal symbol, a mark of honor and a proper legal security of property for the woman.

593 went to see Muftah and his company. Half an hour later the religious
594 man came and took Hemeida aside and talked to him in a very low voice,
606 then left the tent again. A few minutes more had passed; everyone re-
586 turned to the tent; Muftah was not angry anymore. The religious man
627 read the fatha, or the beginning sura of the Koraan, then said that the
792 souls were now pure and that Hemeida was considered as a son of Muftah
[779] and that disagreements such as this should not alter the good relations between the two. He said that the devil had found his way into the souls of the two people, but now, thanks to God and the good people present, they both had come back to their senses. Hemeida then rose and went to where his father-in-law was sitting and shook hands with him. Then he
[81] handed the religious man ten pounds which the latter passed to Muftah and promised to send him a goat as a gift to his daughter. Muftah left the tent and went to the tent of the women. When he came back he announced that a goat had been slaughtered and that everyone was invited to eat. Everybody then left and Muftah promised to return his daughter to her husband the following day.

593 While the right of the father to take his daughter away from her
606 husband constitutes a check on the authority of the latter and insures
557 the wife good treatment by her husband and her in-laws, not infrequently
586 that right has been invoked for personal or individual interest on the
[429] part of the woman's father or her closest male kin. Several cases have been cited in the area where the father or guardian had invoked the right to force the husband to concede to certain demands of the wife's guardian, even when the wife objected to those demands or disagreed with her guardian. One of these is the case of Mabroka who is married to a distant

593 606 559 586 [114] The case persisted for more than two months with no sign that either party was willing to give into the demands of the other. I left the area before any solution to the case was achieved.

584 578 606 [574] Another relevant case is one which involved a dispute between Hassan Hassanein from the Sanagrah tribe and the father-in-law of his daughter who was also from the same tribe and who lived in the same area. The case started when Hassanein was visited by a friend from the Zeheibat tribe in Matruh, an old man of 60 or 70 years. During the night that this guest spent at Hassanein's house, they got to talking about marriage and the fact that although his guest was a wealthy and re- [595] spected man, he had only one wife. After a lengthy talk, it seemed that the old man was convinced that he should have a second wife and asked Hassanein if he knew of a suitable girl to marry. Hassanein sug- 584 gested his daughter's sister-in-law. Hassanein took the prospective 583 groom to the tent of his daughter's father-in-law and discussed the 578 606 matter with the father of the prospective bride who agreed to marry his daughter to Hassanein's guest if he paid the sume of 200 pounds, in addition to slaughtering a number of goats and presenting him with the [779] appropriate presents. When the man agreed to the terms, the fatha was read to signify the agreement between the two parties. Hassanein left the man to spend the night in the camp of his future in-laws. In the morning the groom told the bride's father that he must go to nearby Alexandria to bring the money for the bride price. When he came back late that afternoon, he paid the money and set a date for the wedding the next Thursday and then left for Matruh to prepare for the arrival of the new wife.

585
586
593 case its return to the husband would have caused great financial in-
627
[114] convenience for the wife's family.
[178]
(583)

Corresponding to the second right, the husband's right to his
581 wife's domestic work, is the wife's right to maintenance. The husband
585 has to support his wife. This includes providing her and her children
562 with adequate food and proper clothing. If the husband fails to do so
593 because of poverty, sickness, crop failure or unexpected disaster, the wife's brother or father provides her and her children with the neces-
[586] sary food and clothing. If the husband's failure to fulfill his duties is due to neglect, the wife can leave him and go to her father or brother who talks the matter over with the husband who, in turn, either agrees to their demands or has to divorce his wife and forfeit his mahr.

593 Finally, corresponding to the husband's right to his wife's obedi-
562 ence is the wife's right to fair treatment by her husband. There are a
[779] number of ways in which the wife is mistreated. One is excessive punishment; although the right of the husband to punish his wife is provided in the Koraan, the punishment must be excessive or severe. Awlad Ali draw a line between acceptable and severe punishment. A punishment is severe if it results in something that other people can see or hear. If the husband insults his wife or her family and others hear the action, or if he beats her and this results in visible traces, then the punishment is severe.

593 A wife considers herself mistreated if the husband, when married
595 to more than one, treats any of the other wives better than he treats
562 her. Although the wife cannot deny her husband the right to have additional wives, he must give them all equal treatment. This includes

593 providing them with the same kind of food and clothing.* It also in-
595
562 cludes dividing his time equally between them, spending one night in each wife's tent. The first wife, being the chief one, has certain privileges: her tent is the guest house, food is brought to her residence, and she is the one to divide it among the other wives, and her house is the place for the husband to stay if he becomes sick and unable to move every night from one tent to another. Other than the exceptions given to the first wife, the husband has to treat all his wives equally.

593 Normally, such cases of mistreatment do not result in divorce un-
(586) less they are persistent. In most cases, if the wife is mistreated, she goes to her father's or brother's house or sends for them to come and
593 take her. For the husband to bring her back to his tent, he must pay
431 her "nasafa." This is a gift given by the husband to his wife as an acknowledgement of guilt and as a form of apology for not giving her fair treatment. In some cases the nasafa is equal to what the husband originally paid as mahr.

581 These are some of the rights that marriage gives both men and women
585 in the tribal society of Awlad Ali. These rights, however, are useless
626 unless they are backed by certain means of enforcing them. The husband's
586 rights are guaranteed by his ability to dissolve the marriage at will.
626 According to Islamic law, a man can divorce his wife by simply pronoun-
593 ing the sentence "I divorce you" in the presence of credible witnesses.
(779) No justification for divorce is demanded from the husband according to
(562) the Koraan. No such privilege is given to the wife. She can obtain a

---

* With provision for wives with more children.

586 626 593 [562] [779] divorce only under specific circumstances in the absence of which the husband can force her to live with him. Following the Koraanic rules, Awlad Ali give men the right to dissolve the marriage at will and without any necessary justification; however, they differentiate between cases where divorce is justified and those in which it is not. In a case of justifiable divorce, the husband can take back the mahr and possibly all other marriage expenses. In the case of unjustifiable divorce, the husband forfeits his right to regain the mahr. Divorce is justified whenever one or more of the husband's rights are violated by the wife or members of her family. Not all degrees of violation are considered as justification for divorce, however. Only intolerable violations can be considered as such. In deciding whether or not an act constitutes an [183] intolerable violation, Awlad Ali judge it against the standard of the reasonable man, the customary man, and what he would have tolerated in a similar situation.

586 183 554 What constitutes reasonable behavior does not only vary according to the situation and the manner in which the actions are taken, but also with the relative position in the social structure of the parties involved and their initial relations to one another. In the case of divorce, what constitutes grounds for justifiable divorce in one case may not be sufficient grounds for justifiable divorce in another. In one of 586 183 554 511 the cases I witnessed during the year of study, a man who divorced his wife because of her insistence that he buy her meat from the market every day of the week, was forced to forfeit his right to redeem the [114] mahr on the basis that the wife's actions had not established a basis for justifiable divorce. In the negotiations that followed, the position of the husband, as well as that of the family of the wife, were discussed.

586 562 women in the Western Desert, and that the women usually have no difficulty in finding another husband.

586 562 593 768 While the right of "throwing herself" offers the wife some guarantee of her rights, her main guarantee is derived from the security she gets from retaining membership in her father's family. After the death of the father, the woman's claims extend to the households of her brothers. She acquires in them the same rights she had in her father's household, and the brothers take the responsibility of their father in protecting and defending their sister. The woman achieves this continuation of support partially through forfeiting her rights of inheritance [428] to her brothers.

562 428 [179] Awlad Ali recognize the right of the daughters to inherit in their father's estate. They accept the system of inheritance specified in the Koraan which gives the woman half the share of her brother. In practice, this is usually side-stepped. Only sons inherit their father's property. The justification given for the non-inheritance of women is [233] [311] that the main items of inheritance in the Western Desert, livestock and the right of land use, require certain protection and care which are beyond the culturally defined roles of women. Livestock require moving 233 562 from one grazing ground to another, almost always crossing tribal lands 428 belonging to various tribal segments, some of whom might be hostile. It also requires the ability to protect the herds from predators and from raids, especially in earlier times. Similarly, land requires preparation and protection against trespassers, especially when the barley is growing.

562 428 593 Women, however, are supposed to be compensated by their brothers for their shares. But very few would actually ask their brothers for